

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MINNESOTA**

SMARTMATIC USA CORP., SMARTMATIC INTERNATIONAL HOLDING B.V. and SGO CORPORATION LIMITED,

Plaintiffs,

v.

MICHAEL J. LINDELL and MY PILLOW, INC.,

Defendants.

Case No. 22-cv-00098- WMW-JFD

**DEFENDANTS' MOTION FOR LEAVE TO FILE MOTION TO COMPEL**

This Court has ordered stricken Defendants' request for a Motion to Compel to be heard on August 20, 2024 based on Local Rule 7.1. Defendants were prepared to file their Motion to Compel yesterday, August 6, 2024, based on their understanding of the terms of Rule 7.1(b)(1), which requires nondispositive motions to be filed at least 14 days before the hearing on the motion. However, upon conferral with Plaintiffs and consulting the latest amended scheduling order, Order, Doc. 280 (June 10, 2024), it appeared that the deadline for filing non-dispositive motions had been set by the Court as July 9, 2024, and so Defendants' Motion to Compel was not timely. Thus Defendants' failure to file their Motion to Compel was solely a function of confusion concerning whether Rule 7.1(b)(1) or the Court's June 10 Order governed.

Plaintiffs still take the position that that the deadline has passed on July 9, 2024 but will confirm that the conversation took place and do not oppose Defendants filing this request.

In light of the fact that their failure to file their Motion to Compel was a result of understandable confusion about which deadline applied, and not any lack of concern over the time scheduled by the Court for the hearing, Defendants respectfully request that this Court permit them leave to file the attached Motion to Compel.

DATED: August 7, 2024.

**MCSWEENEY, CYNKAR & KACHOUROFF PLLC**

By /s/ Christopher I. Kachouroff  
Christopher I. Kachouroff\* (Bar No. 44216)  
13649 Office Place, Suite 101  
Woodbridge, Virginia 22192  
(703) 621-3300  
[chris@mck-lawyers.com](mailto:chris@mck-lawyers.com)

Douglas G. Wardlow (MN Bar #339544)  
Jeremiah D. Pilon (MN Bar #392825)  
1550 Audubon Rd.  
Chaska, MN 55318  
(952) 826-8658  
[doug@mypillow.com](mailto:doug@mypillow.com)  
[jpijon@mypillow.com](mailto:jpijon@mypillow.com)

**ATTORNEYS FOR MY PILLOW, INC. AND  
MICHAEL LINDELL**

\*Admitted *Pro Hac Vice*

**CERTIFICATE OF SERVICE**

I certify that on August 7, 2024, electronically filed the foregoing with the Clerk of the Court for the United States District Court by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

By /s/ Christopher I. Kachouroff